

**To:** Charise L. Terry, PHR; Executive Director; EEPC

**From:** Carrie A. Weaver, PHR; SVP, Human Resources & EEO Officer; NYCEDC

**RE:** Response to Preliminary Audit Determination from January 1, 2012 to December 31, 2014

**Date:** September 11, 2015

**CC:** Elona Shehu, Program Analyst, EEPC

The New York City Economic Development Corporation (NYCEDC) is a governmental non-profit organization that is New York City's primary engine for economic development. We are charged with leveraging City assets to drive growth, create jobs, and improve quality of life. We are an organization dedicated to New York City and its people. Because of this, NYCEDC voluntarily consents with the EEPC's audit and evaluation of our Equal Employment Opportunity (EEO) program although it should be noted that because NYCEDC is not a New York City Agency, we do not have access to the Citywide Equal Employment Database System (CEEDS) to do extensive comparative analysis on workforce utilization metrics. Our response to the Preliminary Audit Determination report dated August 31, 2015 follows.

## **II. EEO Training for Agency**

Item 3 finding: The agency did not demonstrate that it implemented an EEO training plan during the audit period. **Response:** Although electronic records of training rosters could not be produced for the audit period, an NYCEDC Human Resources representative met with all new managers during the audit period in what we call the "Manager Binder Review" at which point individual consultation and guidance on EEO Laws and practices was provided to all new managers. As noted in the audit finding report, in early 2015, all NYCEDC employees have since undergone in-person Diversity and EEO training. NYCEDC will work to implement an annual EEO training schedule using the DCAS CBT program going forward.

## **III. Employment Practices (Recruitment, Hiring & Promotion)**

Item 5 finding: The agency conducted data analysis on workforce hires promotions and separation by race/ethnicity and gender and the aforementioned analysis did not include a conclusion. **Corrective action #1:** Identify whether there are barriers to equal employment opportunity within the agency and determine what if any, corrective actions are required to correct deficiencies. **Response:** In review of our workforce analysis, NYCEDC concludes that there is no discriminatory hiring, promotional or termination practices. Therefore, no corrective actions are needed. That said, NYCEDC has strived and will continue to strive to hire and promote the best qualified and most diverse talent available.

Item 6 finding: The agency did not conclude whether any particular group experienced adverse impact in its selection process or was underrepresented. **Corrective action #2:** To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related and adopt methods which diminish adverse impact. **Response:** NYCEDC concludes there was no adverse impact in hiring and only uses job-related selection criteria.

Item 12 finding: The agency's applicant/candidate log did not include the applicant's disability or veteran status and the interviewers' name. In addition the information was recorded and maintained by the hiring manager. **Corrective Action #3:** Use and maintain an applicant log or tracking system which in addition to the above includes the applicants' candidate disability or veteran status and interviewers name. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager. **Response:** It is clear from this finding that audit response information was misinterpreted. Only the NYCEDC Human Resources staff has access to candidate details in our Applicant Tracking System (Jobvite). Hiring managers are only given an online evaluation form post interview that requests them to rank the candidate's strengths and weaknesses against the position requirements. The hiring managers do NOT see any candidate demographic information in our applicant tracking system. In addition, our system does capture the interviewer name. Interviewer names will be provided only to the extent needed to complete this audit. Lastly, NYCEDC acknowledges that we were not asking veteran or disability status questions at the application stage. Going forward, NYCEDC will begin asking Veteran status questions pre-employment. NYCEDC was guided by legal counsel to ask disability questions only post hire which we will also begin doing.

#### **IV Career Counseling**

Item 13 finding: Designation of Career Counselor. The agency did not demonstrate whether it designated a professional with training, knowledge and familiarity with career opportunities to provide career counseling to employees upon request. **Corrective Action #4:** Designate a professional with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity /type of guidance available from the Career Counselor at least once per year. **Response:** NYCEDC employs three (3) Career Counselors which we call Human Resources Business Partners. All are trained in a combination of the fields of Human Resources, Career Counseling, Career Development, I/O Psychology and alike. They are all degreed and have more than 25 combined years of experience guiding employees in career development discussions. These individuals can readily contact any of our partnering agencies at a

moment's notice to inquire about potential job opportunities within NY City Government if requested by our employees. Additionally, NYCEDC posts the names of the designated Career Counselors (Human Resources Business Partners) to the associated department of employees on our intranet. Additionally, we have monthly HR "Office Hours" that are communicated regularly via our Intranet (more frequently than once per year) where employees are encouraged to come and openly discuss career opportunities with their designated HR Business Partner. NYCEDC concludes we are in compliance with this item.

## **VI. Responsibility for EEO Plan Implementation-EEO Professionals**

Item 20 finding: The agency did not maintain documentation of meetings and other communications between the agency head and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO Program. **Corrective action #5:** Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the Principal EEO Professional regarding decisions that impact the administration and operation of the EEO Program. **Response:** NYCEDC is committed to reviewing our EEO Program operations with our agency head, however during the audit period; there were two different HR department heads both of whom had departed prior to this most recent EEPC audit review. Although it is believed these meetings occurred, the current HR department head (as of April 2015) was not able to retrieve former documentation to prove these meetings occurred. Going forward, NYCEDC will judiciously log all meetings, communications and agenda items as they relate to our EEO program discussions with the agency head.

Item 22 finding: The managerial performance evaluation form does not contain a rating for EEO. **Corrective Action #6:** Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner). **Response:** NYCEDC acknowledges we had not formerly included this item in our managerial reviews and will begin doing so for our next performance management cycle.

## **VIII. Reporting Standard for Agency Head**

Item 23 Final Action: Distribute a memorandum signed by the agency head informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit analysis and re-emphasizing the agency head's commitment to the EEO Program. **Response:** NYCEDC will draft a memo for organization wide distribution with the above requirements.